

# Automated License Plate Readers (ALPRs)

## 420.1 PURPOSE AND SCOPE

The purpose of this Policy is to establish policy and procedures for the use and oversight of the San Mateo County Sheriff's Office Automated License Plate Reader (ALPR) technology.

### 420.1.1 POLICY STATEMENT

It is the policy of the San Mateo County Sheriff's Office (SMCSO) to utilize ALPR technology only for official and legitimate law enforcement purposes, with the goal being to increase the efficiency and effectiveness of its public safety efforts in a manner that safeguards the legitimate privacy concerns of law abiding citizens. Consistent with Civil Code 1798.90.55, the Sheriff's Office shall provide the opportunity for public comment at a regularly scheduled meeting of the governing body of any area prior to the installation of any fixed ALPR camera.

Office personnel may use the ALPR system for official use only. Any matches received from the ALPR must be verified before enforcement action is taken unless exigent circumstances exist. ALPR data that is not considered intelligence and investigative information shall be retained for a maximum of one (1) year unless the information is from an ALPR device deployed within an area wherein the local government has requested a different retention period.

## 420.2 DEFINITIONS

- A. **Automated License Plate Reader (ALPR):** A device that uses cameras and computer technology to compare digital images of license plates to existing law enforcement inquiries and/or investigations lists.
- B. **Hotlist:** License plate(s) associated with existing law enforcement investigations.
- C. **Detection:** An ALPR read of a license plate within public view, including potential images of the plate and vehicle on which it was displayed, and information regarding the location of the ALPR at the time the data was obtained.
- D. **Hit:** An alert from the ALPR system that a scanned license plate number may be in the National Crime Information Center (NCIC) or other law enforcement database for a specific reason including, but not limited to, being related to a stolen vehicle, wanted person(s), missing person(s), domestic violence protective order, registered sex offender or terrorist-related activity.
- E. **Plate of Interest:** A license plate appearing on a hotlist or that has been entered into the ALPR database and is believed to be associated with criminal activity and/or a vehicle/person of interest.

## 420.3 GENERAL

- A. ALPRs shall be used only by authorized employees of this Office who have been trained and certified in the use of the equipment pursuant to SMCSO

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requirements. Training shall consist of policy review and an examination via the Learning Management System (LMS).

- B. No civilian or sworn member shall use or authorize the use of any ALPR system or any ALPR database information for any reason other than official law enforcement purposes.
- C. A positive Hit within the ALPR Program does not establish probable cause unless other significant factors for a detention exist. Absent exigent circumstances, or other information that helps to establish probable cause for a detention, the Hit information/data must be confirmed prior to taking any related law enforcement action.

### **420.4 ROLES AND RESPONSIBILITIES**

- A. General Use
  - 1. ALPR systems shall be deployed solely for official law enforcement purposes, including, but not limited to:
    - (a) Locating stolen vehicles, carjacked vehicles, stolen license plates, wanted or missing persons, or vehicles on the Hotlist;
    - (b) Canvassing areas surrounding recent crimes to capture license plates that may be connected to the crime event; and
- B. ALPR Administrator
  - 1. The ALPR Administrator duties and Official Custodian duties are the responsibility of the Administrative Sergeant or designee for the applicable area.
  - 2. The ALPR Administrator shall ensure all ALPR system equipment is inspected, at a minimum, on a quarterly basis.
  - 3. The ALPR Administrator shall coordinate all training for use of the ALPR systems and related technologies.
    - (a) No member of the Office shall operate ALPR equipment or access ALPR data without first completing department-approved training.
    - (b) The following classifications are authorized to be trained in the use of the ALPR system:
      - 1. Duly sworn peace officers.
      - 2. Professional staff whose duties require or call for the use of the system or data, for example, Community Service Officers assigned to investigative positions or Crime Analysts.
    - (c) Training in the use of the system shall consist of:
      - 1. Privacy and civil liberties protections.
      - 2. Legal authorities, developments and issues involving the use of ALPR data and technology.
      - 3. Current Office policy regarding appropriate use of ALPR systems.

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4. Technical, physical, administrative and procedural measures to protect the security of ALPR data against unauthorized access or use; and
  5. Practical exercises in the use of the ALPR system.
4. The ALPR Administrator shall submit an ALPR quarterly report to the Area Commander of any deployment of ALPR technology:
    - (a) The report will include at a minimum, total detections and hits generated from the ALPR equipment and a confirmation that there is no data in the system older than is permitted by this policy.
  5. The Sheriff's Office will give an annual report to the Governing Bodies on the number of license plates captured in any given time period, number of times the data was accessed by law enforcement, including but not limited to, a report from the law enforcement agency as to how many of the license plates included in the data accessed were Hits on an active wanted list, the number of inquiries made by law enforcement personnel by agency relative to the data, the justification(s) for those inquiries, and information on any data retained beyond retention periods (maximum of 12 months) and the reasons for such retention.
  6. The ALPR Administrator shall conduct periodic audits of user queries as well as update access to the database. This includes eliminating access to persons separated from the organization for any reason.
- C. ALPR Operators
1. Shall ensure the ALPR cameras are properly affixed to the assigned Sheriff's patrol vehicle prior to starting their shift; inspecting units for damage or excessive wear.
  2. Upon discovery of any ALPR equipment that is inoperable or damaged in any way, the Operator shall:
    - (a) Immediately notify the ALPR Administrator in writing.
    - (b) Document the damage/issue on the County Vehicle Damage form.
  3. Shall start the ALPR system software to activate the system and receive the automatic updated Hotlist at the beginning of each shift.
    - (a) ALPR units installed on marked Sheriff's patrol vehicles shall be activated and used at all times unless the operator of the vehicle has not been trained and certified to use the system.
    - (b) Staff assigned unmarked Sheriff's vehicles equipped with an ALPR system may use their discretion on removing the external ALPR cameras based on mission needs.
  4. Shall ensure that the ALPR system software, hardware, and GPS are fully operational.
  5. Shall not attempt to repair defective or inoperable ALPR equipment.

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#### D. ALPR Hits

1. When an alarm is received alerting operators of a positive Hit from the Hotlist database, a digital image of the license plate will be displayed on the mobile data computer screen.
2. Absent exigent circumstances, or other information to establish probable cause for a detention, ALPR operators shall compare the digital image of the license plate to the Hotlist information to verify the Hit for both the state in which the license plate was issued and characters on the plate. ALPR systems will alert based on the alpha numeric characters displayed for license plates issued and false positives are possible based on license plates with the same numbers from other states. ALPR systems may also misread letters and numbers of similar shapes. This is the primary reason that, absent exigent circumstances, all positive Hits must be confirmed prior to taking law enforcement action.
3. Absent exigent circumstances, or other information to establish probable cause for a detention, ALPR operators shall confirm the ALPR information by radio or mobile data computer to immediately confirm the Hit prior to taking enforcement or any other type of action.

### **420.5 ALPR DATA**

#### A. Internal Data

1. All ALPR data downloaded to the server will be stored for one year or the length of time approved by the jurisdiction in which it is deployed. After that time has elapsed, the data will be purged. If the applicable data has become, or it is reasonable to believe will become, evidence in a criminal or civil action, or is subject to a lawful action to produce records, it should be downloaded from the server onto portable media and booked into evidence.

#### B. Sharing Data

1. Detection data generated from SMCSO ALPR systems will be shared with requesting law enforcement agencies only after it is determined that the request is for official and legitimate law enforcement purposes.

#### C. Hotlists

1. State and/or national standing Hotlists will be automatically downloaded into the ALPR database a minimum of once a day with the most current data overwriting the old data.
  - (a) The Hits from these data sources should be viewed as informational; created solely to bring to law enforcement's attention the specific license plates that have been, or may have been, associated with criminal activity.

#### D. Plates of Interest

1. License plate data added to the database will have an expiration date of no longer than 30 days.

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2. Plates entered into the ALPR database will contain the following information as a minimum:
  - (a) Entering Deputy's name and contact information.
  - (b) Corresponding SMCSO event number.
  - (c) Short synopsis of the reason why the plate has been entered into the system. This information should be as descriptive as reasonable under the circumstances.

#### **420.6 PROHIBITED USE**

- A. ALPR usage is prohibited from invading the privacy of individuals or looking into private area or areas where a reasonable expectation of privacy exists, nor shall they be used to harass, intimidate or discriminate against any individual or group, nor for any purpose not specifically authorized by this policy.
- B. Unauthorized access, possession or release of data is a violation of policy and various federal and state criminal statutes. Any employee who accesses, possesses or releases data from the ALPR database without authorization or in violation of this policy and such additional policies established by this Office, may face discipline up to and including termination, criminal prosecution and/or civil liability.

#### **420.7 REFERENCES**

- (a) Vigilant Solutions Car Detector User Manual
- (b) Civil Code § 1798.90.51; Civil Code § 1798.90.53